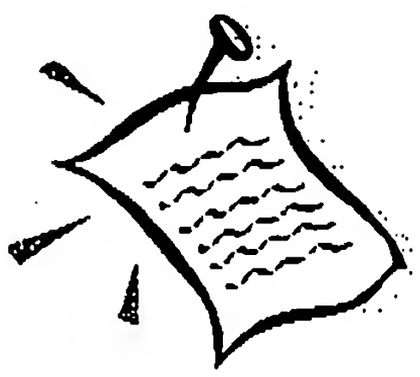

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PATENT, TRADEMARK & COPYRIGHT ATTORNEYS
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FACSIMILE TRANSMISSION

DATE November 24, 2004

NO. OF PAGES INCLUDING COVER PAGE: 4

TO: Examiner L. Odell
Group Art Unit: 1652

FAX NO.: 703-872-9306

FROM: Elizabeth Collard Richter - COLLARD & ROE, P.C.
Reg. No. 35,103

RE: U.S. Serial No. 10/620,487
Applicant: Thomas Maier
(Our Reference: MAIER, T-2)

If you do not receive all of the pages, please call the above phone number as soon as possible.

MESSAGE:

Enclosed is a Response to Restriction Requirement dated October 28, 2004.

Please confirm receipt by facsimile at your earliest convenience. Thank you.

Sincerely yours,
COLLARD & ROE, P.C.

Elizabeth Collard Richter
Reg. No. 35,103

ECR:jc
Enclosures

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: THOMAS MAIER, T-2 EXAMINER: L. ODELL

SERIAL NO.: 10/620,487 GROUP: 1652

FILED: JULY 16, 2003

TITLE: METHOD FOR FERMENTATIVE PRODUCTION OF AMINO ACIDS AND AMINO ACID DERIVATIVES OF THE PHOSPHOGLYCERATE FAMILY

RESPONSE TO RESTRICTION REQUIREMENT

MAIL STOP AMENDMENTS
Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated October 28, 2004, Applicant respectfully responds as follows:

The Patent Examiner has required a restriction to one of the following two groups:

Group I: Claims 1-8, drawn to a plasmid encoding the yfiK gene, a microorganism having increased yfiK gene product activity, and a method of introducing said plasmid into said microorganism;

Group II: Claims 9-16, drawn to a method of preparing an amino acid of phosphoglycerate family.

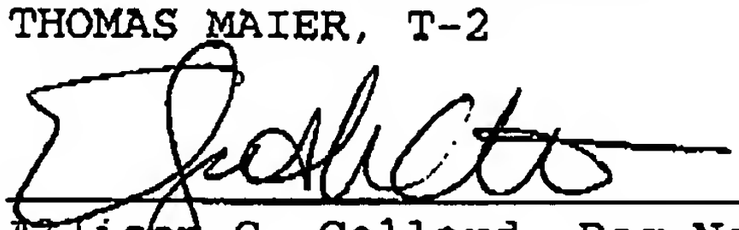
ELECTION:

The Applicant respectfully elects, with traverse, the invention of Group I, Claims 1-8, drawn to a plasmid encoding the yfiK gene, a microorganism having increased yfiK gene product activity, and a method of introducing said plasmid into said microorganism, for further prosecution.

Applicant believes that any search for the invention embodied in claims 1-8 would necessarily include a search for the method embodied in 9-16. Thus, a simultaneous search of both groups is believed not to constitute an unreasonable search for the Patent Examiner. In addition, it is believed that the objectives of streamlined examination and compact prosecution would be promoted if a search were conducted simultaneously for all of the species. Also, the necessity of filing multiple patent applications for the same invention does not serve to promote the public interest. This is because of the extra expense that is involved, in filing fees and examination costs, as well as the burden upon the public due to the necessity of searching through a multiplicity of patent files in order to find the complete range of subject matter claimed in several different patents that could otherwise be found in one issued patent only.

Applicant reserves the right to file divisional applications for the non-elected embodiment.

Respectfully submitted,
THOMAS MAIER, T-2



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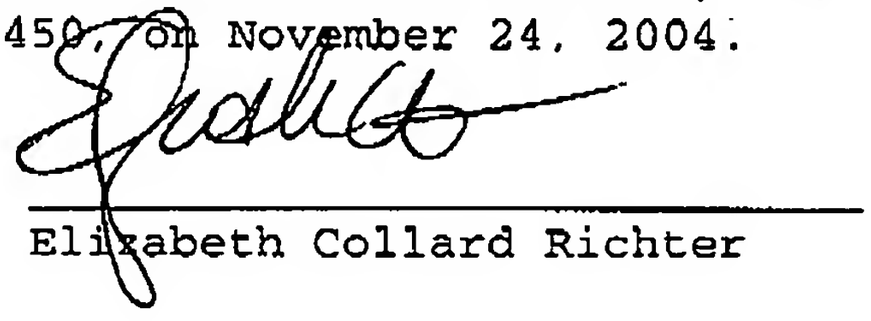
Elizabeth Collard Richter, Reg.No.35,103
Attorneys for Applicant

CERTIFICATE OF FACSIMILE TRANSMISSION

Fax No. 703-872-9306

I hereby certify that this correspondence is being sent by facsimile-transmission to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 24, 2004.



Elizabeth Collard Richter